

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 610

Introduced by Assembly Member Achadjian

February 20, 2013

An act to amend ~~Section 4016.5 of the Penal Code~~ *Section 4117 of the Welfare and Institutions Code*, relating to ~~prisoners~~ *state hospitals*.

LEGISLATIVE COUNSEL'S DIGEST

AB 610, as amended, Achadjian. ~~Prisoners: detention costs. State hospitals: involuntary treatment.~~

Existing law requires a county to submit a statement of all mental health treatment costs and a separate statement of nontreatment costs, to be submitted to the State Department of State Hospitals and the Controller, respectively, when a trial or hearing is held for specified inmates of state hospitals, including trials for persons charged with escape from a state hospital and trials for persons who commit a crime while confined in a state hospital.

This bill would make these provisions applicable to hearings for an order seeking involuntary treatment of a person confined in a state hospital with psychotropic medication or other medication for which an order is required.

Existing law authorizes a district attorney to file a petition for continued involuntary treatment for one year of a prisoner who refused to agree to treatment as part of parole, if the prisoner's severe mental disorder is not in remission or cannot be kept in remission without treatment and the prisoner represents a substantial danger of physical harm to others.

This bill, commencing July 1, 2014, would require the nontreatment costs associated with petitions brought for continuing involuntary treatment under this provision to be paid by the county of commitment, as defined.

~~Existing law requires that a city or county be reimbursed by the Department of Corrections and Rehabilitation for costs incurred resulting from the detention of a state prisoner or a person sentenced or referred to the state prison when the detention meets specified conditions, including that the detention results from a new commitment and the department is unable to accept delivery of the prisoner.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4117 of the Welfare and Institutions Code
2 is amended to read:
3 4117. (a) Whenever a trial is had of ~~any~~ a person charged with
4 escape or attempt to escape from a state hospital, whenever a
5 hearing is had on the return of a writ of habeas corpus prosecuted
6 by or on behalf of ~~any~~ a person confined in a state hospital except
7 in a proceeding to which Section 5110 applies, whenever a hearing
8 is had on a petition under Section 1026.2, subdivision (b) of Section
9 1026.5, ~~Section 2972, or Section 2966, or Section 2972~~ of the
10 Penal Code, Section 7361 of this code, or former Section 6316.2
11 of this code for the release of a person confined in a state hospital,
12 *whenever a hearing is had for an order seeking involuntary*
13 *treatment of a person confined in a state hospital with psychotropic*
14 *medication or other medication for which an order is required,*
15 and whenever a person confined in a state hospital is tried for ~~any~~
16 a crime committed therein, the appropriate financial officer or
17 other designated official of the county in which the trial or hearing
18 is had shall make out a statement of all mental health treatment
19 costs and shall make out a separate statement of all nontreatment
20 costs incurred by the county for investigation and other preparation
21 for the trial or hearing, and the actual trial or hearing, all costs of
22 maintaining custody of the patient and transporting him or her to
23 and from the hospital, and costs of appeal, ~~which.~~ *The statements*

1 shall be properly certified by a judge of the superior court of that
2 county and the statement of mental health treatment costs shall be
3 sent to the State Department of State Hospitals and the statement
4 of all nontreatment costs, *except as provided in subdivision (c)*
5 *with respect to petitions brought pursuant to Section 2970 of the*
6 *Penal Code*, shall be sent to the Controller for approval. After
7 approval, the department shall cause the amount of mental health
8 treatment costs incurred on or after July 1, 1987, to be paid to the
9 county mental health director or his or her designee where the trial
10 or hearing was held out of the money appropriated for this purpose
11 by the Legislature. In addition, the Controller shall cause the
12 amount of all nontreatment costs incurred on and after July 1,
13 1987, to be paid out of the money appropriated by the Legislature,
14 to the county treasurer of the county where the trial or hearing was
15 had.

16 (b) Commencing January 1, 2012, the nontreatment costs
17 associated with Section 2966 of the Penal Code and approved by
18 the Controller, as required by subdivision (a), shall be paid by the
19 Department of Corrections and Rehabilitation pursuant to Section
20 4750 of the Penal Code.

21 (c) *Commencing July 1, 2014, the nontreatment costs associated*
22 *with petitions brought pursuant to Section 2970 of the Penal Code*
23 *shall be paid by the county of commitment. As used in this*
24 *subdivision, "county of commitment" means the county seeking*
25 *the continued treatment of a mentally disordered offender pursuant*
26 *to Section 2970 of the Penal Code.*

27 (e)

28 (d) (1) Whenever a hearing is held pursuant to Section 1604,
29 1608, 1609, or 2966 of the Penal Code, all transportation costs to
30 and from a state hospital or a facility designated by the community
31 program director during the hearing shall be paid by the Controller
32 as provided in this subdivision. The appropriate financial officer
33 or other designated official of the county in which a hearing is
34 held shall make out a statement of all transportation costs incurred
35 by the county, ~~which~~. The statement shall be properly certified by
36 a judge of the superior court of that county and sent to the
37 Controller for approval. The Controller shall cause the amount of
38 transportation costs incurred on and after July 1, 1987, to be paid
39 to the county treasurer of the county where the hearing was had
40 out of the money appropriated by the Legislature.

1 As

2 (2) ~~As used in this subdivision—the community, “community~~
3 ~~program director is director” means the person designated pursuant~~
4 ~~to Section 1605 of the Penal Code.~~

5 SECTION 1. ~~Section 4016.5 of the Penal Code is amended to~~
6 ~~read:~~

7 ~~4016.5. A city or county shall be reimbursed by the Department~~
8 ~~of Corrections and Rehabilitation for costs incurred resulting from~~
9 ~~the detention of a state prisoner or a person sentenced or referred~~
10 ~~to the state prison when the detention meets any of the following~~
11 ~~conditions:~~

12 ~~(a) (1) The detention results from a new commitment, or a~~
13 ~~referral pursuant to Section 1203.03, once the abstract of judgment~~
14 ~~has been completed; the department’s intake control unit has been~~
15 ~~notified by the county that the prisoner is ready to be transported~~
16 ~~pursuant to Section 1216; and the department is unable to accept~~
17 ~~delivery of the prisoner. The reimbursement shall be provided for~~
18 ~~each day starting on the day following the fifth working day after~~
19 ~~the date of notification by the county, if the prisoner remains ready~~
20 ~~to be delivered and the department is unable to receive the prisoner.~~
21 ~~If a county delivers or attempts to deliver a person to the~~
22 ~~department without the prior notification required by this~~
23 ~~paragraph, the date of the delivery or attempted delivery shall be~~
24 ~~recognized as the notification date pursuant to this paragraph. The~~
25 ~~notification and verification required by the county for prisoners~~
26 ~~ready to be transported, and reimbursement provided to the county~~
27 ~~for prisoners that the department is unable to receive, shall be made~~
28 ~~pursuant to procedures established by the department.~~

29 ~~(2) A city or county shall be reimbursed by the department from~~
30 ~~funds appropriated in Item 5240-001-0001 of the annual Budget~~
31 ~~Act for costs incurred pursuant to this subdivision.~~

32 ~~(3) The reimbursement required by this section shall be~~
33 ~~expended for maintenance, upkeep, and improvement of jail~~
34 ~~conditions, facilities, and services. Before the county is reimbursed~~
35 ~~by the department, the total amount of all charges against that~~
36 ~~county authorized by law for services rendered by the department~~
37 ~~shall be first deducted from the gross amount of reimbursement~~
38 ~~authorized by this section. The net reimbursement shall be~~
39 ~~calculated and paid monthly by the department. The department~~
40 ~~shall withhold all or part of the net reimbursement to a county~~

1 ~~whose jail facility or facilities do not conform to minimum~~
2 ~~standards for local detention facilities, as authorized by Section~~
3 ~~6030, only if the county is failing to make reasonable efforts to~~
4 ~~correct differences, with consideration given to the resources~~
5 ~~available for those purposes.~~

6 ~~(4) “Costs incurred resulting from the detention,” as used in this~~
7 ~~section, shall include the same cost factors as are utilized by the~~
8 ~~Department of Corrections and Rehabilitation in determining the~~
9 ~~cost of prisoner care in state correctional facilities.~~

10 ~~(b) No city, county, or other jurisdiction may file, and the state~~
11 ~~may not reimburse, a claim pursuant to this section that is presented~~
12 ~~to the Department of Corrections and Rehabilitation or to any other~~
13 ~~agency or department of the state more than six months after the~~
14 ~~close of the month in which the costs were incurred.~~

15 ~~(c) The changes to this section made by the act that added this~~
16 ~~subdivision shall be effective on October 1, 2011.~~